

**Before the
Federal Communications Commission
Washington, DC. 20554**

In the Matter of)	
)	
New Part 4 of the Commission's Rules)	
Concerning Disruptions to Communications)	ET Docket No. 04-35
)	

COMMENTS OF AT&T CORP.

AT&T Corp. ("AT&T") hereby submits these comments in response to the Commission's Further Notice of Proposed Rulemaking concerning the application of outage reporting requirements to airport communications.¹ The Commission asks whether the new Part 4 outage reporting requirements should be expanded to cover communications in general aviation ("GA") airports, and if so, which reporting thresholds should apply.² AT&T believes the Commission can advance its objectives without imposing unwarranted administrative burdens if the scope of the Part 4 rules is maintained, and the reporting thresholds applied are those recommended by the Commission's Network Reliability and Interoperability Council ("NRIC").³

¹ *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-35, FCC 04-188 (rel. August 19, 2004) ("FNPRM").

² *Id.* ¶ 67. General Aviation airports are airports that do not receive scheduled commercial service.

³ The NRIC, a Federal Advisory Committee to the FCC, was chartered in 1992 to provide recommendations to the FCC and to the telecommunications industry that, if implemented, would under reasonably foreseeable circumstances assure optimal reliability and interoperability of wireless, wireline, satellite, cable and wireless public telecommunications networks. See <http://www.nric.org/index.html>.

Former Section 63.100(e) of the Commission's rules required the reporting of outages of at least 30 minutes' duration that potentially affect "major airports."⁴ In the Notice of Proposed Rulemaking in this proceeding ("NPRM"), the Commission proposed to keep the 30-minute reporting threshold intact, but make the outage reporting requirements applicable to "all airports."⁵ In comments filed in response to the NPRM, AT&T and several other parties stated that an overly aggressive expansion of the rule would impose significant reporting obligations on carriers, and provide no concomitant benefits to critical airport communications.⁶ In its new Part 4 rules, 47 C.F.R. Section 4.5(b), the Commission declined to include "all airports" in the reporting requirements,⁷ but expanded the reporting obligation from approximately 68 "major airports" covered by Section 63.100(e) to over 800 airports of various sizes and descriptions.⁸

The Commission initiated the Further Notice of Proposed Rulemaking ("FNPRM") in this proceeding in order to supplement the record, seeking comment concerning whether the new Part 4 outage reporting requirements applicable to airports should be further extended to cover general aviation airports and if so, what the

⁴ The rule applying outage reporting requirements to "major airports" appeared at 47 C.F.R. §63.100(e)(3).

⁵ *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications, Notice of Proposed Rulemaking*, 19 FCC Rcd. 3373 (rel. Feb. 23, 2004) ("Section 63.100(e) of our rules presently requires the reporting of outages of at least 30 minutes duration that potentially affect special offices and facilities [citation omitted]. We will keep this requirement substantively intact with a minor modification that will make it applicable to all airports, not just major airports.")

⁶ *See, e.g.*, Comments of AT&T, ET Docket No. 04-35 (filed May 25, 2004) at 17-18 (recommending that outages that are "air traffic impacting" should be reported). *See also*, Comments of BellSouth at 14-15 (the Commission should not adopt an overly expansive reporting requirement applicable to all airports); MCI at 9-10; NTCA at 4-5; Qwest at 15-16; Rural ILECs at 7-8; SBC at 11-12; Sprint at 25; USTA at 12-13.

⁷ Published as *Disruptions to Communications*, Final Rule, 69 FR 70316-01 (Dec. 3, 2004) ("Final Rule") ("We are persuaded that our original proposal to include as special facilities all airports, including those small private airports that lack modern air traffic control communications infrastructure, may be overly inclusive.")

⁸ *See* 47 C.F.R. § 4.5(b). In the new Part 4 rules, airports appear under the category of "Special offices and facilities", which are defined as "major military installations, key government facilities, nuclear power plants, and those airports that are listed as current primary (PR), commercial service (CM), and reliever (RL) airports in the FAA's National Plan of Integrated Airport Systems (NPIAS) (as issued at least one calendar year prior to the outage.)"

applicable threshold reporting criteria should be.⁹ Based on the comments received in this proceeding, and its analysis of the record, the Commission intends to “make such additional modifications to its communications outage-reporting requirements for special offices and facilities, with respect to airports, as may be necessary or desirable to fulfill, more fully, the objectives that are set forth in the Communications Act.”¹⁰

Under former Section 63.100(e) of the Commission’s rules, large and medium hub primary commercial service airports were classified as “major airports” for outage reporting purposes.¹¹ In formulating Section 4.5(b), the Commission undertook a detailed examination of approximately 3,500 airports identified by the FAA’s National Plan of Integrated Airports Systems (“NPIAS”) as “significant to national air transportation” and expanded the outage reporting requirements to cover 422 primary (PR) airports, 124 commercial (CM) airports and 260 reliever (RL) airports:

“There are currently 422 PR, 124 CM, 260 RL and 2558 GA airports. Commercial airports are airports that receive scheduled passenger service and enplane at least 2,500 passengers per year. Of the primary airports, 142 are hubs. A hub is a commercial airport that individually enplanes at least .05% of the total U.S. customer volume per year. All hub airports will be covered by our outage reporting requirements. We also find that the primary non-hub airports, which are commercial airports that enplane over 10,000 passengers per year, should be covered by these requirements. Similarly, we are including reliever airports, which are airports that are used as alternatives for congested hubs, as well as providing general aviation service to the surrounding area. In contrast, we will exclude at this point general aviation airports, which are airports that do not receive scheduled commercial service. In sum, 806 airports—the 422 primary airports including all hubs, the 124 commercial service airports, and the 260 reliever airports that are used as alternative airports for congested hubs—will now

⁹ The Commission also proposed to extend the requirement to report outages potentially affecting special offices and facilities to include all communications providers subject to general communications outage reporting requirements, including providers of wireline, wireless, cable, and satellite communications services. *FNPRM*, ¶ 3.

¹⁰ As discussed in the Federal Register publication of the *FNPRM, Disruptions to Communications*, Proposed Rule, 69 FR 68859-02, ¶ 1 (November 26, 2004).

¹¹ 47 C.F.R. § 63.100(e).

be covered by the revised outage-reporting requirements for special facilities that we are adopting herein.”¹²

AT&T believes that this expansion of the Commission’s outage reporting requirements, which will cover more than ten times the number included under the previous requirements, should be adequate to meet the Commission’s outage reporting objectives.

AT&T further believes that the Commission correctly excluded general aviation (“GA”) airports from the outage reporting requirements. By their nature, GA airports are the least likely of all airports to experience catastrophic aircraft crashes or serve as potential launching pads for terrorist activities, two of the major concerns raised by the Commission in the *FNPRM*.¹³ There are hundreds of GA airports across the country, none of which receives scheduled commercial service.¹⁴ The inclusion of GA airports in the airport outage reporting requirements would result in an unmanageable and unwarranted increase in carriers’ reporting responsibilities, and would do little to address the Commission’s concerns with national defense and homeland security.

The Commission also seeks comments identifying the threshold criteria that should apply to airport outage reporting.¹⁵ AT&T believes that the appropriate threshold criteria appear in the Network Reliability and Interoperability Council (“NRIC”) VI Focus Group 2 Report (“NRIC Report”).¹⁶ The NRIC Report concludes that an outage affecting an airport should be deemed “air traffic impacting” if it involves the loss of

¹² *Final Rule*, ¶ 8.

¹³ *FNPRM*, ¶ 67.

¹⁴ As the Commission acknowledged in announcing its Part 4 rules, there are over 19,000 airports in the United States. Most are civilian landing areas that are not open to the general public, and many lack a modern air traffic control communications infrastructure.

¹⁵ *NPRM*, ¶ 67.

¹⁶ As the Department of Homeland Security (“DHS”) has stated, “The voluntary evolution of best practices through such bodies as the Network Reliability and Interoperability Council (“NRIC”) and the Network Reliability Steering Committee (“NRSC”) has . . . led to vast improvements in system reliability.” Comments of DHS, ET Docket No. 04-35 (filed June 2, 2004) at 7-8.

greater than 50% of telecommunications services at a critical air traffic control facility--including airports' Terminal Radar Approach Control or Air Traffic Control Towers, or a FAA Air Route Traffic Control Center--and impacts the ability of the air traffic facility to control air traffic, as determined by the FAA Air Traffic Supervisor at the Air Traffic Systems Command Center.¹⁷ The NRIC Report proposes that all such "air traffic impacting" events should be considered as reportable incidents. In addition to the reporting of general communications outages, the proposed threshold will require reporting of the loss of critical telecommunications services that transmit radar data, flight plan data, and controller-to-pilot and controller-to-controller voice communications.¹⁸

AT&T believes that the approach embodied in the NRIC Report will give the FCC sufficiently detailed outage information without imposing an unsupportable reporting burden on the industry. The proposal to make other types of airport communications subject to outage reporting requirements presupposes that telecommunications companies have the ability to identify service applications provided at airport facilities. In practice, this requirement would be cumbersome if not impossible to implement. Carriers are frequently unaware of their customers' service applications: a dedicated private line service purchased by an airline, for example, may be used for a dizzying array of applications. Efforts to identify and prioritize this vast array of other airport communications functions would be futile and would do little to address network reliability or security concerns. In addition, the proposal has the potential to divert carrier resources from critical outage reporting functions.

¹⁷ NRIC Report at 45-47. See http://www.nric.org/fg/charter_vi/fg2/FG_2_Final_Report_ver_120103.doc.

¹⁸ *Id.*

CONCLUSION

AT&T believes that the Commission can clarify its airport communications outage reporting requirements and address its national defense and homeland security concerns if the scope of the new Part 4 rules is maintained, and the requirements are applied to air traffic control functions using the reporting thresholds recommended in the NRIC Report. Accordingly, rather than expand the scope of the airport communications rules to include general aviation airports, the Commission should reaffirm the definition of special offices and facilities adopted in the new rules, and apply its outage reporting requirements to "air traffic impacting" events as defined in the NRIC Report.

Respectfully submitted,

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